

REMARKS

Applicant has amended claims 1-5 as set forth above and has added new claims 6-13. No new matter has been added by way of these amendments. Applicant notes with appreciation the Office's indication that claim 5 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this office action and to include all of the limitations of the base claim and any intervening claims. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-5 under 35 U.S.C. 112, second paragraph, asserting that in claim 1, lines 13-14, "the plan layout of which forms..." is not fully understood in the context of the claimed invention and in claim 2 "essentially" renders the claim indefinite. Accordingly, Applicant has cancelled the phrase, "and the plan layout of which forms a closed geometrical figure" in claim 1 and has replaced the term "essentially" with "substantially" in claim 2. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

The Office has rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,660,871 to Arakawa et al. (Arakawa). The Office asserts that Arakawa discloses: an opening and closing latch device, adapted to facilitate closing and opening of a movable part of furniture with respect to the furniture, comprising a container 2 defining an internal cavity with at least one open side and comprising a sliding guide, characterized in that it also comprises a sliding element (3, 24), placed in the sliding guide and comprising a hook 26 at a first end, suitable to catch a hooking element integral with said movable part, elastic means 4, placed between the sliding element and the container, so that the elastic means exert an elastic force on the sliding element suitable to make it slide, a track 6 placed on one side of the sliding element defining a cam path and, as best understood, the plan layout of which forms a closed geometrical figure, tappet means 7, integral with the sliding guide, suitable to travel along the cam path, so as to define a number of positions of the sliding element, corresponding to a release position, a lock position and two intermediate opening and closing positions of said movable part, and in that the sliding guide is inclined on at least a part thereof at 5 of an angle with respect to the direction along which a closing and opening movement takes place between the movable part and the furniture. Additionally, the Office asserts that the container comprises an insert 8 at least a part 37 of which is

partially triangular in shape, one side of which defines a side of the sliding guide. The Office also asserts the track is provided on the side of the sliding guide constituted by said insert 8a and the container comprises a cover forming one of the sides of the cavity, and a base 9 with inherent connection means joining the cover to the base. Further, the Office asserts that Arakawa does not disclose the track being placed on one side of the sliding guide, and tappet means integral with the sliding element, suitable to travel along the cam path or the container comprising a cover forming one of the sides of the cavity, and a base with connection means joining the cover to the base, as claimed, but asserts such a modification constitutes a reversal of parts and are considered functionally and structurally equivalent and thus asserts it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device in this way.

Arakawa does not disclose or suggest, “a sliding element, placed in the sliding guide and comprising a substantially rigid hook at a first end, suitable to catch a hooking element integral with said movable part” as recited in claim 1. As noted above, the Office has asserted that in Arakawa the sliding element (3, 24) placed in the sliding guide has a hook 26 at a first end. The Office’s attention is respectfully directed to FIGS. 6 and 7 in Arakawa which clearly illustrate that hook 26 is flexible and bends to engage with projection 39. This hook 26 in Arakawa must be elastic to enable the opening/closing movement of the latching device. With the present invention, the inclination of the guide allows the hook to be substantially rigid which adds to the longevity of the latch device.

In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claim 1. Since claims 2-4 depend from and contain the limitations of claim 1, they are distinguishable over the cited references and patentable in the same manner as claim 1.

The Office has asserted claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments remarks with respect to claim 1 from which claim 5 depends, no amendment of claim 5 is believed to be necessary and this claim is now believed to be in condition for allowance.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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